

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
JANUARY 25, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Potts, Platteter, Carpenter, Staunton, Fischer, Grabiell.

Absent from the roll call were Commissioners Cherkassky and Rock.

III. APPROVAL OF MEETING AGENDA

Commissioner Carpenter moved approval of the January 25, 2012 meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Platteter moved approval of the January 11, 2012, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARINGS

2011.0001.12a	Conditional Use Permit with Variances St. Peter's Lutheran Church/JMS Custom Homes 3717 Fuller Street, Edina, MN
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Planner Presentation

Planner Aaker informed the Commission that St. Peter's Lutheran Church is requesting a 15-foot lot width variance to build on their vacant property located at 3717 Fuller Street. This site

(3717 Fuller) is currently encumbered by a proof-of-parking plan that was required for a parking stall Variance granted to St. Peter's in 1983. A revised Conditional Use Permit is also required to change the proof-of-parking plan.

Planner Aaker explained that the Church campus consists of property both north and south of Fuller Street between France and Drew Avenue. The site includes the church, a parking lot east of the church, two platted lots east of the parking lot at 3700 and 3704 Fuller Street, and property south of Fuller including a south parking lot, and three platted lots east of the south parking lot at 3713, 3717 and 3721 Fuller Street.

Planner Aaker pointed out that in August of 2011, the Church received a 15-foot lot width variance for 3713 Fuller Street. The purpose of the current request is to create another lot in which the Church intends to sell to JMS Homes. JMS would then build two new single-family homes.

The zoning ordinance requires a minimum 75 foot lot width. The lot is 60 feet in width requiring a 15-foot lot width variance to allow the sale of the lot. The lot conforms to the depth and area requirements. The lot was platted prior to the current width requirements, is legally nonconforming, however, cannot be sold without the benefit of a width variance.

Continuing, Planner Aaker said all of the church property, with the exception of 3700 Fuller and 3713 Fuller, (the property that has already received a width variance), is dedicated to a proof-of-parking agreement filed as a condition of variances granted for an expansion of the Church that occurred in 1983. A parking lot plan was attached to the 1983 agreement providing an ultimate build-out plan of the south parking lot over two lots east of the parking lot including the subject vacant lot. The proof-of-parking plan would be implemented in the event that the City Manager and City Planner determine that additional parking spaces would be required for the Church use. The lot at 3717 Fuller is encumbered by the 1983 parking agreement and may not be sold without a lot width variance and an amendment to the Church's Conditional Use permit to include a re-assessment of the parking needs of the Church and revised proof-of-parking plan.

Planner Aaker noted that SRF Consulting Group, Inc. has submitted a parking study dated November 22, 2011 and revision dated January 16, 2012. The parking study includes a new proof-of-parking plan that would rebuild the south parking lot to provide 86 stalls in a new south lot build-out and include the 46 existing stalls in the north lot for a total of 132 parking stalls. The ordinance requires parking must be provided for one third the maximum seating capacity for the largest place of assembly. The Church use requires a minimum of 131 parking stalls. The sanctuary is the largest place of assembly providing capacity for 393 persons. The build-out plan provides 132 parking stalls and conforms to the required setbacks.

It should be noted that the seating capacity of the Church was reduced from 470 to 393 persons as part of a 1990 interior renovation.

SRF Consulting Group has indicated the average weekly parking demand is approximately 73 stalls with 91 stalls currently provided in the north and south lots combined. It isn't anticipated that the south lot will need any improvement in the near future given current lower demand and reduced attendance as indicated in the SRF study. No additional parking has been needed over the last 29 years since the 1983 agreement was put in place. Exercising the current parking agreement has never been considered.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit to modify the 1983 proof-of-parking agreement.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd.5.E, of the Edina Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The revised proof of parking plan allows the release of 3717 Fuller Street from the 1983 proof of parking agreement allowing the Church opportunity for alternative options for use of the property.

Approval is also subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.
2. Execution of a proof-of-parking agreement.

Staff further recommends that variance approval is based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with the Comprehensive Guide Plan.
 - b. The request is reasonable given that a home had occupied the lot in the past.
 - c. The lot width of the subject property is consistent and similar to those near it.
- 3) The proposal is in harmony with the intent of the ordinance since it will allow replacement of a home that had occupied the lot in the past and was originally platted for that purpose.
- 4) The unique circumstances are that the property is not needed for future parking demands of the Church, however, may not be sold for redevelopment without the benefit of a lot width variance.

Approval is also subject to the following condition:

1. Recording of a revised proof-of-parking agreement with attached parking plan by SRF Consulting Group, Inc. dated: January 17, 2012, with Hennepin County.

Appearing for the Applicant

Jeff Schoenwetter, JMS Custom Homes, Inc. and Jim Ravelle

Applicant Comments

Jeff Schoenwetter presented a power point presentation on his proposal.

Jim Ravelle informed the Commission that 3721 Fuller Street was no longer a day care; it was rented by a teacher, adding there is no issue with parking for that property.

Public Comment

Wendy Brockman, 3624 Fuller Street told the Commission that she is worried about storm water run-off and the impact these new houses would have on the environment.

Director Teague assured Ms. Brockman that the Engineering Department would review all water run-off related issues.

Motion

Commissioner Carpenter moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Further Comments

Commissioner Forrest said she was familiar with the area and had observed that traffic in the immediate area has increased. Forrest asked if it was feasible to require an informal traffic study or site circulation study of the church campus when/if it becomes apparent that the Proof of Parking needs to be implemented.

Chair Grabiell asked what the City would require if the Proof of Parking Agreement was triggered. Planner Teague responded that if the Proof of Parking was implemented that would trigger a Conditional Use Permit (parking lot expansion) process and traffic, parking and circulation would need to be included in their application submittal.

Motion

Commissioner Carpenter moved to recommend Conditional Use and Variance approval based on staff findings and subject to staff conditions noting the request was consistent with recent development. Commissioner Platteter seconded the motion. All voted aye; motion carried.

VII. REPORTS/RECOMMENDATIONS

- **Expansion of the TIF District**

Planner Presentation

Planner Teague explained that staff was directed to investigate the process necessary to expand the Centennial Lakes Tax Increment Financing (TIF) Project Area. The purpose of this request was to enable the City to expand the area in which the City could expend funds from the Centennial Lakes TIF District.

As part of the process, the Planning Commission is required to pass a resolution stating that the expansion of the TIF Project Area is in compliance with the Comprehensive Plan. To give an example if the Centennial Lakes TIF District Project Area was expanded the monies from the original Centennial Lakes TIF could be spent on items associated with the GrandView District.

Concluding Teague said at this time the Planning Commission needs to make the determination and adopt a resolution finding that the Plan for the expansion of the Centennial Lakes TIF Project Area conforms to the general plans for the development and redevelopment of the City, is compatible with the Redevelopment Plan for east Edina and is not in conflict with the Comprehensive Plan.

Planner Teague introduced Jessica Cook from Ehlers & Associates to further speak on the issue.

Jessica Cook addressed the Commission and explained in 1988 a TIF District was created for Centennial Lakes and since that time the laws regulating TIF Districts have changed. Cook said the TIF District for Centennial Lakes expires in 2014. Cook explained that at this time the City has the opportunity of making those resources available to a broader area within the city.

Discussion

Commissioner Fischer commented that in a sense this creates a TIF district within the district; however, it only expands the project area; not the TIF district.

Jessica Cook explained that technically this was a modification to the Southeast Edina Redevelopment Area. Continuing, Cook reiterated that the laws regarding TIF Districts had changed, adding they were more flexible in the past.

Chair Grabiell commented as he views this request that in general it's consistent with the Comprehensive Plan. Ms. Cook agreed.

Commissioner Scherer asked how the City decides where the funds are spent. Cook explained that the funds can be viewed as a tool in the tool box for the City Council.

Chair Grabiell asked if the GrandView project could use this TIF money. Cook responded that it could, if the use was allowed by statute. The decision to spend funds would be made by the HRA (City Council).

Commissioner Staunton stated that there is nothing in the proposed expansion that changes eminent domain and that the city's position in that regard won't be enhanced.

Commissioner Scherer asked what happens to the money if it isn't spent. Ms. Cook indicated that it would be returned to the City, School Districts, etc. Commissioner Scherer indicated that the Commission must rely on the process and the City Council. She pointed out that the Project Area was set by the City Council to encompass areas identified in the Comprehensive Plan for future small area studies. The City Council will ultimately decide where the money will be spent and this allows flexibility so there is no "rush to spend".

Commissioner Carpenter indicated that the Plan Area expansion isn't changing anything in terms of the process or required action for use of funds.

Commissioner Forest questioned what the funds can be spent on and can they be used freely. Planner Teague responded that the City is limited in how they can use the funds. For example funds may be used for interchanges, bridges and sidewalks; all public improvements. Mr. Teague reiterated that the City Council would go through their process to determine how and where the funds would be spent.

Commissioner Staunton stated that monies accumulate and will continue to accumulate with State Statutes dictating use and limits. He added that while the Council is not in a hurry up and spend situation, they need to make a decision on the Plan Area because no changes may occur after 2014.

Public Comment

Gene Persha, 6917 Cornelia Drive, questioned if the funds were used out of the "area" and redevelopment of Southdale occurs what would happen if funds weren't available for Southdale's redevelopment. Persha said in his opinion the state needs to draft better language.

Kim Montgomery, 5300 Evanswood Lane said she has questions on sidewalks and the purchase of private land for public civic use.

Jessica Cook said the funds could be used for basic public improvements but not the extra “niceties” such as brick pavers for sidewalks or landscaping. TIF money cannot be used for residential street improvements, public civic or community buildings or to facilitate private redevelopment. TIF money can be used for sewer, water road improvements in support of a redevelopment within the Project Area and purchase for the purposes of providing affordable housing.

Commissioner Carpenter stated that the Commission’s role is to determine if the expanded Plan Area is consistent with the Comprehensive Plan. Carpenter stated in his opinion that it is.

Motion

Commissioner Staunton moved to recommend adoption of the Resolution. Commissioner Fischer seconded the motion; noting the funds can be spent not will be spent. Fischer also noted the role of the Commission on this subject is limited and that the Resolution is in keeping with the Comprehensive Plan. All voted aye; motion carried.

Discussion – Consideration of a Zoning Ordinance Amendment regarding lots smaller than 9,000 square feet and 75-feet in width.

Planner Presentation

Planner Teague reported that as a result of recent subdivision requests on Brookview and Oaklawn Avenues, members of the Planning Commission expressed concern in regard to approving subdivisions that require variances.

Teague noted that in the last five years the City has received five (5) requests to subdivide properties into lots that were less than 9,000 square feet in area and 75 feet in width. Teague acknowledged that all of the requests were made in the area around Pamela Park. Three of those requests were approved; one is pending review by the City Council, and one was withdrawn by the applicant before action was taken.

Teague said there are options on how to address the issue and suggested that a goal should be established up front as to what the City wishes to accomplish in changing the ordinance.

Discussion

Chair Grabiell asked the Commission for their comments, adding in his opinion the City should encourage redevelopment; noting there is a catch on how that can it be correctly accomplished. Grabiell said he believes, at this point, if the City allows subdivisions to expand up meeting 500-foot neighborhood requirements for lot width, depth and area; shouldn't the same be true if one wants to expand down.

Commissioner Schroeder said he likes the idea of allowing a PUD for residentially zoned parcels. He noted other cities permit PUD's in their residential districts, adding that some cities like St. Louis Park are more like Edina. Schroeder added the reason he likes this option is that PUD is project specific. He pointed out in this instance a PUD process would answer many of the neighbors questions; like trees, house placement etc. Concluding, Schroeder said PUD could be another "subdivision" tool. Planner Teague pointed out that the City's ordinance precludes PUD in R-1 zoning districts; however that doesn't mean PUD in an R-1 zoning district shouldn't be reconsidered.

Commissioner Fischer pointed out that it wasn't that long ago that the Commission was considering amending the ordinance to allow PUD ; however, during the discussion on allowing PUD zoning many residents expressed concern" with allowing PUD in the City's R-1 zoning district. Continuing, Fischer noted since those discussions the Commission has come across a couple of instances where a PUD zoning would be a benefit in an R-1 zoning district and would make sense. Concluding, Fischer said permitting PUD in an R-1 zoning district may be something the Commission should reconsider.

Commissioner Potts agreed and added if the City's goal was to protect the character of all neighborhoods using PUD as another tool besides lot width, depth, area, etc. may not be a bad idea.

Commissioner Carpenter said in reviewing the most recent request for subdivision in a small lot neighborhood; including past similar requests that he was struck by the fact on how few people contested these subdivisions; if at all. Carpenter noted there have been five subdivision requests in small lot neighborhoods in five years, questioning if that's really a lot. He said he also wonders if the Commission really needs to do anything to "fix " the ordinance if in reality it works and wasn't broken.

Commissioner Scherer said her concern is that residents feel undercut on how the Commission addresses subdivisions, adding some residents don't agree with the original plat theory. Scherer said to her it's about reliance on the code. Continuing, Scherer said she doesn't believe it is unreasonable to clarify the code so the Commission has a reliance factor. Concluding Scherer stated she likes the idea of a PUD and also likes option 3 presented by staff, acknowledging that each request becomes unique and emotional.

Commissioner Potts said he understands about reliance on the code and asked Planner Teague if he knows "how many more of these combined small lots" are out there that may come up for subdivision". Planner Teague responded that staff would look into that.

Commissioner Carpenter observed there are many 50-foot wide lots in Edina with both new and older homes on them, pointing out the vast majority of these homes can be torn down and rebuilt without any Commission or Council comment.

Commissioner Forrest said in her opinion the Commission needs to revisit this issue. She noted that part of the problem is our current code that allows generous buildings to be built on these small lots. Forrest agreed that the one size fits all may not work.

Chair Grabiell commented that in the Comprehensive and Land Use Plan the goal is to preserve the character of the neighborhoods and maintain Edina's housing stock. Grabiell said he doesn't see how in an area of predominately 50-foot wide one can to argue that maintaining those 50-foot lots doesn't make sense. Concluding, Grabiell also said the opinion that ordinances "never change" isn't true, pointing out ordinances do change.

Commissioner Forrest said in theory she agrees but the Commission also needs to consider how these subdivisions affect neighborhoods. She added the Commission needs some form of individual approach or a creatively crafted ordinance to address these issues.

Commissioner Platteter pointed out if someone wants to buy three 50-foot wide lots and conjoin them there is no review process; questioning if the code should work the same both ways. Platteter said in his opinion maintaining the original plat is important. He said the plats in reality defined Edina's neighborhoods, adding in his opinion these small lot neighborhoods also need protection. Concluding Platteter reiterated there are no limits on combining lots; which to him is a concern and more out of character than going the other direction and honoring the original plat.

Commissioner Staunton said the discussion was good, adding he agrees with Commissioners Scherer and Schroeder that there shouldn't be just one way, adding having a city wide lot width requirement may not be the best approach. Staunton pointed out that the Comprehensive Plan recognizes character districts, adding that number 3 also makes sense to him. He pointed out currently code requires that all applicants identify the 500-foot neighborhood standards, and even if the lots within that 500-foot neighborhood don't meet current code variances are required for the "new" lot(s). Staunton concluded he was also intrigued by allowing PUD in the R-1 zoning district.

Chair Grabiell said this discussion needs to be continued and requested that staff look at the calendar and see if time was available for the Commission and Council to meet jointly. Grabiell added that more research also needs to be done on how a PUD would "work" in the R-1 zoning district and on how many "lots" are out there that were combined plat that now could be "subdivided".

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged receipt of the Council Connection and that he received a News Letter from the Met Council.

IX. CHAIR AND COMMISSION COMMENTS

Chair Grabiell noted that the Commission will meet again on February 8th.

Chair Grabiell informed the Commission he met with the Transportation Commission Chair Jennifer Janovy, Wayne Houle and Cary Teague to discuss the role of the Transportation Commission in the development review process. Grabiell suggested that since there is not a representative from the Planning Commission on the Transportation Commission anymore, we may wish to get together with them from time to time to discuss issues and stay informed on what each Commission is doing.

Chair Grabiell asked if anyone was interested in attending a one day work session on Living Streets; and if so one is being offered on February 15th at the Community Center.

Commissioner Staunton reported that the GrandView Steering Committee approved the final Grandview District Development Framework. Grabiell said there would be a 45-day public comment period and that there would be a display on what was accomplished available for view at City Hall.

Grabiell Chair informed the Commission that the work session with the City Council was cancelled. All would get credit for being there.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Potts moved meeting adjournment at . Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted